REMARKS

Applicants acknowledge with appreciation the courtesy of the telephone interview extended the undersigned attorney by Examiner Pulliam, the Examiner in charge of this application. The undersigned attorney pointed out that he was in the process of preparing an Appeal Brief and that in reviewing the file it was noted that no Advisory Action was received in response to the Request for Reconsideration filed on April 15, 2001 to the Final Rejection. The Examiner advised the undersigned attorney that in fact the Official Action was not a Final Rejection and there was an error in the Office Action Summary wherein the box checked that this action is final was incorrect. The Examiner indicated that a Supplemental Amendment could be filed and Applicants have decided to further restrict the claims in the application in an effort to advance the prosecution to an early allowance.

Accordingly, claim 18 has been amended to add the limitation from claim 20 and claim 20 has been canceled. Claim 33 has been amended in a similar manner as has claim 18 and claims 34-35 have been canceled from the application as being redundant. Finally, claims 36 and 37 have been amended to change the dependency. Applicants most respectfully submit that all of the claims now present in the application, claims 18, 19, 21-33 and 36-39 are in full compliance with 35 U.S.C. 112 and are clearly patentable over the references of record for the reasons of record in the Request for Reconsideration. Since the claims now present in the application are restricted to specific aspects as previously claimed, all the comments of record are equally applicable and establish the patentability of the claimed invention over the prior art.

In view of the Request for Reconsideration and the present Supplemental Amendment, early and favorable allowance of the application is in order and it is now most respectfully requested.

Respectfully submitted,
BACON & THOMAS, PLLC

By: Richard E Fichter
Richard E. Fichter
Registration No. 26,382

625 Slaters Lane, 4th Floor
Alexandria, Virginia 22314
Phone: (703) 683-0500
Facsimile: (703) 683-1080

REF/kdd
Supplemend.wpd

May 29, 2002

I HEREBY CERTIFY THAT THIS PAPER IS BEING FACSIMILE TRANSMITTED TO THE U.S. P.T.O. ON THE DATE SHOWN BELOW.
(PRINT) KATHLEEN DEPASSE
(SIGN) Kathleen Depasse
(DATE) May 30 2002

Marked-Up Version Showing Changes Made

IN THE CLAIMS:

Please replace claim 18 with amended claim 18 as follows.

18(Twice Amended). A pharmaceutical powder composition suitable for inhalation comprising microfine particles of medicament and at least one preformed lactose pellet having a diameter of from about 10 to about 1500 micrometers, which pellet comprises a plurality of microfine lactose particles, wherein at least about 90% by weight of the microfine particles of lactose have a diameter of less than about 15 micrometers, and wherein the medicament is selected from the group consisting of codeine, dihydromorphine, ergotamine, fentanyl, morphine, diltiazem, cromoglycate, ketotifen, nedocromil, cephalosporins, penicillins, streptomycin, sulphonamides, tetracyclines, pentamidine, methapyrilene, budenoside, flunisolide, tipredane, triamcinolone acetonide, noscapine, ephedrine, adrenaline, fenoterol, formoterol, isoprenaline, metaproterenol, phenylephrine, phenylpropenolamine, pirbuterol, reproterol, rimeterol, terbutaline, isoetharine, tulobuterol, orciprenaline, (-)-4-amino-3,5-dichloro-a-[[[6-[-2-(2-pyridinyl)ethoxy]hexyl]-amino]methyl]benzenemethanol, amiloride, ipratropium, atropine, oxitropium, cortisone, hydrocortisone, prednisolone, aminophylline, choline theophyllinate, lysine theophyllinate, theophylline, insulin, glucagon and any mixtures thereof.

Please cancel claim 20 without prejudice or disclaimer.

Please replace claim 33 with the following replacement claim 33.

33(Amended). A method of treating respiratory disorders which comprises administration by inhalation of an effective amount of a pharmaceutical powder composition which comprises microfine particles of medicament selected from the

group consisting of anti-allergics, bronchodilators, anti-inflammatory steroids and mixtures thereof and at least one lactose pellet having a diameter of from about 10 to about 1500 micrometers, which pellet comprises a plurality of microfine lactose particles, and wherein at least about 90% by weight of the microfine particles of lactose have a diameter of less than about 15 micrometers.

Please cancel claims 34 and 35 without prejudice or disclaimer.

Please replace claims 36 and 37 with the following replacement claims.

36(Amended). A pharmaceutical powder composition according to claim [35] 22, wherein the medicament is selected from the group consisting of salmeterol xinafoate, salbutamol sulphate and fluticasone propionate.

37(Amended). A pharmaceutical powder composition according to claim [24] 23, wherein the medicament is selected from the group consisting of salmeterol xinafoate, salbutamol sulphate and fluticasone propionate.